

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MATTHEW HEADLEY HOLDINGS, LLC,))
d/b/a HEARTLAND SNACKS))
f/k/a INCITO CAPITAL GROUP, LLC))
Plaintiff,))

vs.))

McCLEARY, INC.,))
Defendant.))

No. 02-0654-CV-W-FJG

JUDGMENT IN A CIVIL CASE

_____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came before the Court. The issues have been determined and a decision has been rendered.

It is hereby ordered and adjudged that

plaintiff's motion to strike (Doc. No. 497) is **DENIED** as moot;

Blackwell's motion for disbursement of funds on deposit with the Court (Doc. No. 453) is **GRANTED** and Blackwell's attorney lien should be enforced in the amount of \$278,808.54 plus interest plus prejudgment interest from June 1, 2006 through the date of payment (as Blackwell made demand for payment on June 1, 2006). Blackwell's motion for leave to file supporting exhibits under seal (Doc. No. 493) will be **DENIED AS MOOT**;

Polsinelli's motion for partial distribution of judgment funds (Doc. No. 476) is **GRANTED** and Polsinelli's attorney lien/judgment lien should be enforced in the amount of \$34,016.00 plus any applicable interest;

Shearer's Foods' motion for disbursement of funds (Doc. No. 463) is **GRANTED** and Shearer's Foods' judgment lien should be enforced in the amount of \$110,357.17 plus any applicable interest;

Wise Foods' motion for order disbursing portion of judgment proceeds (Doc. No. 462) is **GRANTED** and Wise Foods' judgment lien should be enforced in the amount of \$65,497.08 plus any applicable interest;

Trion's motion for distribution (Doc. No. 482) is **GRANTED IN PART** and the Court finds that in the interests of equity the amount of money owed to Trion should be \$250,000 plus applicable interest;

Colorado Gold Chips' motion for disbursement (Doc. No. 468) is **PROVISIONALLY GRANTED**;

Court finds that Blackwell's remaining attorney's fees (\$54,510.05 for trademark work and \$5,659.41 plus interest for employment work) shall be paid. The Court will make a final determination as to this distribution after receiving the briefs from the various claimants addressing the total amounts due, including interest;

First Bank of Missouri's motion for the disbursement of funds on deposit with the Court (Doc. No. 466) is **DENIED** to the extent that it seeks priority of the distribution of its claims. Furthermore, plaintiff's motion for entry of order permitting partial distribution of judgment proceeds (Doc. No. 452, which sought an order disbursing \$200,000 of judgment proceeds to First Bank of Missouri prior to the distribution to any other claimant) is **DENIED**; Wise Foods' Motion for Leave to File Supplemental Response to First Bank of Missouri's Motion for Disbursement (Doc. No. 477) is **DENIED AS MOOT**; the Court will make a final determination as to any distribution to be made to the bank after receiving the briefs from the various claimants addressing the total amounts due, including interest;

no distribution to any of the Stissers will be allowed;

parties to submit on or before **March 15, 2007**, briefs as outlined in order.

March 9, 2007
Date

Patricia L. Brune
Clerk

/s/ Rhonda Enss
(by) Deputy Clerk